

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NESPRESSO USA, INC.,

Plaintiff,

v.

ETHICAL COFFEE COMPANY SA,

Defendant.

ETHICAL COFFEE COMPANY SA and
ETHICAL COFFEE CORPORATION,

Counterclaim Plaintiffs,

v.

NESPRESSO USA, INC. and
NESTLÉ NESPRESSO SA,

Counterclaim Defendants.

C.A. No. 16-194 (CFC)

MOTION TO STAY LITIGATION

Counterclaim Plaintiffs Ethical Coffee Company SA and Ethical Coffee Corporation (collectively, “ECC”) file this Motion to Stay Litigation in this matter. ECC requests a stay of three months.

On November 12, 2018, a Swiss court ordered Ethical Coffee Company SA to close and liquidate all assets pursuant to Chapter 7 of the Swiss bankruptcy code. Ethical Coffee Company SA appealed that decision, but on November 26, 2018, the appeal was denied. As a result, Ethical Coffee Company SA has entered bankruptcy and terminated operations. All ECC assets (including the claims in this litigation) are now under the control of the Swiss bankruptcy trustee.

Undersigned counsel requests a 3-month stay of litigation in this case in order to determine how the Swiss trustee would like to proceed. Counterclaim Defendants Nespresso USA, Inc. and Nestle Nespresso SA take no position on this motion.

A proposed Order is attached.

Dated: December 4, 2018

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan
Brian E. Farnan (Bar No. 4089)
919 North Market Street, 12th Floor
Wilmington, DE 19801
Telephone: (302) 777-0300
Facsimile: (302) 777-0301
bfarnan@farnanlaw.com

Steve W. Berman (admitted *pro hac vice*)
Jerrod C. Patterson (admitted *pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, WA 98101

*Attorneys for Ethical Coffee Company SA and
Ethical Coffee Corporation*